

**Water Quality Advisory Group
Indiana Department of Environmental Management
Wednesday, April 11, 2001
Room 1319 Indiana Government Center North
10 a.m. E.S.T.**

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|----|---|--------------------------------|
| 1. | Introductions | John Fekete |
| 2. | Technical Subcommittee background determination for Antidegradation update and discussion | Tech sub members |
| 3. | Activities that do not constitute significant lowering table discussion | IDEM/WQAG |
| 4. | Social and Economic benefit | Bill Beranek/
Melanie Darke |
| 5. | Public Comments | |

Antidegradation - ACTIONS THAT DO NOT CONSTITUTE SIGNIFICANT LOWERING**April 5, 2001****Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft – Draft**

The following table contains the 11.3 actions that do not constitute a significant lowering of water quality. The second column contains a brief explanation of OWQ staff ideas on these actions. The NEW comments appear in BOLD.

327 IAC 5-2-11.3	Current OWQ Thoughts
(C) Notwithstanding clauses (A) and (B), the following do not constitute a significant lowering of water quality:	
(i) Changes in loadings of any substance within the existing capacity and processes, and that are covered by the existing applicable permit. These changes include, but are not limited to, the following:	This action should not constitute a significant lowering of water quality
(AA) Normal operational variability, including, but not limited to, intermittent increased discharges due to wet-weather conditions.	This action should not constitute a significant lowering of water quality
(BB) Changes in intake water pollutants not caused by the discharger.	This action should not constitute a significant lowering of water quality
(CC) Increasing the production hours of the facility, for example, adding a second shift.	This action should not constitute a significant lowering of water quality
(DD) Increasing the rate of production.	This action should not constitute a significant lowering of water quality

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327 IAC 5-2-11.3	Current OWQ Thoughts
(ii) New limits for an existing permitted discharger that are not a result of changes in pollutant loading, and will not allow an increase in pollutant loading, including new limits that are a result of the following:	This action should not constitute a significant lowering of water quality
(AA) New or improved monitoring data.	This action should not constitute a significant lowering of water quality
(BB) New or improved analytical methods.	This action should not constitute a significant lowering of water quality
(CC) New or modified water quality criteria or values.	This action should not constitute a significant lowering of water quality
(DD) New or modified effluent limitations guidelines, pretreatment standards, or control requirements for POTWs.	This action should not constitute a significant lowering of water quality
(iii) The following actions:	
(AA) Short term, temporary (weeks or months) lowering of water quality.	This action should not constitute a significant lowering of water quality
(BB) Bypasses that are not prohibited at 40 CFR 122.41(m) or section 8(11) of this rule.	This action should not constitute a significant lowering of water quality
(CC) New or increased discharges of a pollutant, when the facility withdraws intake water containing the pollutant from the same body of water, and the new or increased discharge of the pollutant is due solely to the presence of the pollutant in the intake.	This action should not constitute a significant lowering of water quality
(DD) New or increased discharges of a pollutant that is not a BCC, where there is a contemporaneous enforceable decrease in the actual loading of the pollutant from sources contributing to the same body of water such that there is no net increase in the loading of the pollutant to the same body of water.	This action should not constitute a significant lowering of water quality

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327 IAC 5-2-11.3	Current OWQ Thoughts
(EE) New or increased discharges of a pollutant or pollutant parameter due to response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (as defined in IC 13-11-2-24), as amended, corrective actions pursuant to the Resource Conservation and Recovery Act (RCRA), as amended, or similar federal or state authorities, undertaken to alleviate a release into the environment of hazardous substances, pollutants, or contaminants that may pose an imminent and substantial danger to public health or welfare.	This action should not constitute a significant lowering of water quality Discuss if remediation of existing problems should be included
(FF) New or increased discharges of a pollutant or pollutant parameter due to increasing the sewered area, connection of new sewers and customers, or acceptance of trucked-in wastes (such as septage and holding tank wastes) by a POTW, provided that the increase is within the design flow of the facility, there is no increased loading of BCCs from nondomestic wastes, and no significant change is expected in the characteristics of the wastewater discharged.	This action should not constitute a significant lowering of water quality
(GG) Increased discharges of a pollutant due to implementation of department-approved industrial or municipal controls on wet-weather flows, including combined sewer overflows and industrial storm water, when there is no net increase in the loading of the pollutant to the same body of water.	This action should not constitute a significant lowering of water quality

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327 IAC 5-2-11.3	Current OWQ Thoughts
(HH) New or increased discharges of noncontact cooling water that will not increase the temperature of the receiving waterbody outside of the designated mixing zone, where applicable and will not require numeric WQBELs for toxic substances or WET as determined under section 11.5 of this rule.	This action should not constitute a significant lowering of water quality
(II) Discharges of storm water subject to a general permit under 327 IAC 15-5 (storm water run-off associated with construction activity) and 327 IAC 15-6 (storm water run-off associated with industrial activity).	For Rule 5 , this action should not constitute a significant lowering of water quality. For Rule 6, the WQAG should discuss whether granting a general permit to a NEW discharger should be allowed.
(JJ) An action that will result in a new or increased discharge of a pollutant or pollutant parameter that is not a BCC, if the new or increased discharge is necessary to accomplish a reduction in the discharge of another pollutant or pollutant parameter and the commissioner determines the action will result in a net improvement in water quality in the waterbody. The commissioner may approve such an action only if: (aa) the reduction in the discharge of the reduced pollutant exceeds the increase in the discharge of the new or increased pollutant; (bb) the new or increased pollutant is determined to be significantly less bioaccumulative and toxic than the decreased pollutant; and (cc) the applicant demonstrates that all reasonable and cost-effective methods for avoiding the new or increased discharge have been taken.	This action should not constitute a significant lowering of water quality

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327 IAC 5-2-11.3	Current OWQ Thoughts
<p>(KK) An action that will result in a new or increased discharge of a pollutant or pollutant parameter that is not a BCC, if the new or increased discharge is necessary to accomplish a reduction in the release of an air pollutant and the commissioner determines the action will result in a net environmental improvement. The commissioner may approve such an action only if:</p> <ul style="list-style-type: none">(aa) the reduction in the discharge of the air pollutant is necessary to meet a state or federal air quality standard or will substantially reduce human exposure to hazardous air pollutants;(bb) the reduction in the mass of air pollutant discharged represents a substantial reduction in the total mass released by the applicant; and(cc) the applicant demonstrates that all reasonable and cost-effective methods for avoiding the new or increased discharge to the waterbody have been taken.	This action needs further WQAG discussion
<p>(LL) At the commissioner's discretion, new or increased discharges of a substance used to treat zebra mussels in an intake water pipe or structure.</p>	<p>This action should not constitute a significant lowering of water quality</p> <p>Discuss changing zebra mussels to nuisance species</p>

NEW - RECOMMENDED ACTIONS THAT DO NOT CONSTITUTE SIGNIFICANT LOWERING

Discharges subject to general permits:	
15-7 Point source discharges associated with coal mining, coal processing and reclamation activities	Existing permittees should continue to operate under their general permit. For new sources, there has been a claim that coal mine discharges improve water quality when ag land use is upstream of the discharge. Can data be provided that demonstrates this is true? Does DNR require a coal mine to obtain all permits prior to approving a new coal mine?
15-8 Once through non-contact cooling water (not applicable to steam electric power generation)	Need to discuss what would constitute a significant lowering for heat?
15-9 Discharges associated with petroleum products terminals	Existing permittees should continue to operate under their general permit. Should an antidegradation review be required for new facilities?
15-10 Treated wastewater from a ground water petroleum remediation system	Existing permittees should continue to operate under their general permit. For new sources, the discharge may be a significant lowering, but because the general permit requires the best treatment technology, this general permit should be available.
15-11 Hydrostatic testing of commercial pipelines	For new pipelines, this action should not constitute a significant lowering of water quality. Pipelines that carry or have carried product should be required to obtain an individual NPDES permit.
15-12 Discharges associated with sand, gravel, dimension stone or crushed stone operations.	Existing permittees should continue to operate under their general permit. New sources should provide data that would support a no significant lowering test prior to being granted a general permit.

NEW - RECOMMENDED ACTIONS THAT DO NOT CONSTITUTE SIGNIFICANT LOWERING

New or increased discharges of treated sanitary wastewater that are designed to meet the following permit conditions: <ul style="list-style-type: none">• 10 mg/l CBOD as monthly average• 10 mg/l TSS as monthly average• 1 mg/l ammonia as monthly average• Disinfection by UV light	This provision probably does not belong on this table. This provision may be better related to it satisfying an antidegradation demonstration requirement.
New or increased discharges from activities directly related to the research and development of new products or processes	This provision does not appear to be necessary. It would most likely be eligible for the short term, temporary provision listed above.
New or increased discharges of mercury subject to the conditions of a state-wide mercury variance	There is no doubt that these actions will cause significant lowering of water quality. They actually allow a discharge to cause a water quality violation in the receiving stream. OWQ will request an opinion from legal staff to research whether the antidegradation rules, both State and Federal, conflict with State variance statutes and Federal law.
Dischargers that have been granted a variance from a water quality-based effluent limit should be exempt from antidegradation	

Please Note: The use of chemical additives needs discussed. Antidegradation provisions for chemical additives are included in the Great Lakes antidegradation implementation procedures.